

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Michael Gsovski	Team: Team # 6	CCRB Case #: 201208576	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 07/03/2012 10:15 PM	Location of Incident: § 87(2)(b)	Precinct: 81	18 Mo. SOL 1/3/2014	EO SOL 1/3/2014	
Date/Time CV Reported Thu, 07/05/2012 1:16 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 07/05/2012 1:16 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. Officers			
2. An officer			
3. POF Emily Harris	20669	941882	081 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POF Wanda Crooks	08748	940129	081 PCT
2. POM William Reddin	18523	944924	081 PCT
3. POM Peter Colombini	03403	938250	081 PCT

Officer(s)	Allegation	Investigator Recommendation
A. POF Emily Harris	Abuse: PO Emily Harris entered and searched § 87(2)(b) in Brooklyn.	§ 87(2)(b)
B. Officers	Abuse: Officers entered and searched § 87(2)(b) in Brooklyn.	§ 87(2)(b)
C. An officer	Abuse: An officer threatened to arrest § 87(2)(b)	§ 87(2)(b)
§ 87(4-b) § 87(2)(g)	§ 87(2)(b)	§ 87(2)(b)

Case Summary

On July 5, 2012, § 87(2)(b) filed a complaint with the Civilian Complaint Review Board (CCRB) on behalf of himself via telephone (encl. 4). It concerned an incident on July 3, 2012 in which officers entered his apartment at § 87(2)(b) that resulted in no arrests and produced the following allegations:

Allegation A: Abuse of Authority – PO Emily Harris entered and searched § 87(2)(b) in Brooklyn

§ 87(2)(g)

Allegation B: Abuse of Authority – Officers entered and searched § 87(2)(b) in Brooklyn.

Allegation C: Abuse of Authority – An officer threatened to arrest § 87(2)(b)

§ 87(2)(g)

§ 87(4-b) § 87(2)(g)

On May 1, 2013, this investigation was reassigned to Investigator Gsovski from Investigator Takeya Patterson upon her departure from the agency.

Results of Investigation

Civilian Statement

Complainant/Victim: § 87(2)(b)

- § 87(2)(b) is a black male who stands 5'9", weighs 209 pounds and has black hair and brown eyes. He was § 87(2)(b) old at the time of the incident (encl. 5a).

CCRB Statement:

On July 19, 2012, § 87(2)(b) provided the following in person statement to the CCRB (encl. 5b-5c). On September 15, 2013 and September 17, 2013, § 87(2)(b) provided answers to clarifying questions via telephone (encl. 24e and 6). § 87(2)(g)

On July 3, 2012, at what was estimated to be 10:15pm, § 87(2)(b) was asleep in the bedroom of his § 87(2)(b) floor apartment at § 87(2)(b) in Brooklyn. On September 17, 2013, § 87(2)(b) stated that the incident may have occurred at a later time that night because he did not see his clock when he woke up. § 87(2)(b) building is a three story building with a main entrance with a lock on the door. There is also a door between the second and third floor with a lock and

past that door is the French-windowed door leading to § 87(2)(b) apartment, which does not have locks. He was awakened when a neighbor (identified on July 17, 2013 as the daughter of § 87(2)(b)) called his phone and told him that police were inside his building. § 87(2)(b) who was undressed, stood up to walk towards the bathroom, but on his way he saw someone standing beyond his glass French doors.

Approximately six plainclothes officers and four uniformed officers entered § 87(2)(b) apartment and told him not to move. PO1, (*White male, 6'0", plain clothes, in his forties, 200lbs, black hair*) asked if § 87(2)(b) pulled a gun out on someone twenty minutes ago. § 87(2)(b) explained that the night before, he was involved in a verbal dispute, with a male who he does not know-but lives in his neighborhood in a two story building next to a parking lot on Kosciusko Street § 87(2)(b) believed that he is a drug addict). The male notified the police and falsely accused § 87(2)(b) of having a gun. However, when the officers (who were from the 81st Precinct) arrived, after speaking with § 87(2)(b) they realized that he did not have a gun and told § 87(2)(b) and the other male to go their separate ways. After relaying what happened the night before, § 87(2)(b) asked why the officers were currently in his house when the incident happened the night before.

On September 17, 2013, § 87(2)(b) added to this that the incident on July 2, 2013 occurred on the stoop of § 87(2)(b), a building adjacent to § 87(2)(b) that he also owns. He also said that the officer who interacted with him and the unidentified male on July 2, 2012 was not one of the officers who interacted with him on July 3, 2012. Additionally, he said that the unidentified male lived on Kosciuszko Street between Malcolm X Boulevard and Stuyvesant Avenue.

PO1 told § 87(2)(b) that the male informed the police that § 87(2)(b) pulled a gun out on him 20 minutes prior. § 87(2)(b) asked PO1 and the officers to leave and asked how they got into his apartment. PO1 told him the door was open, but § 87(2)(b) later noticed that the lock on the door leading up to his glass door was broken. § 87(2)(b) later learned that a neighbor who lives downstairs let the police into the building. However the officers broke the lock on the door between the second and third floor, which leads to his apartment.

While in his apartment, a female officer, (*Black female, 5'5", dread locks, dyed blonde/brown, in her late thirties to early 40's, uniform, identified by the CCRB as PO Emily Harris of the 81st Precinct*) and a male officer, PO3 (*White male, 5'10"-6'0", uniform, dark hair, in his thirties*) were standing in his kitchen, which is to the right of the living room entering through the double doors. PO Harris opened the cabinets in the kitchen, flashed a light into them and moved things in his cabinet around. § 87(2)(b) could not see whether PO3 also searched because his view was blocked by a wall. PO Harris also flashed her flashlight at § 87(2)(b) genitals which were exposed because he was not wearing clothes. The other officers walked around § 87(2)(b) house and used their flashlights to examine his belongings, but they did not physically search § 87(2)(b) house.

Approximately five minutes after they entered, the officers left his apartment and § 87(2)(b) followed them downstairs. When he arrived outside, he saw the male that made the false report, standing outside with a butcher knife tucked in his waistband. § 87(2)(b) argued with the male and PO4 (*White male, in his thirties or forties, dark hair, plain clothes*), who was in a black Chevrolet Impala told § 87(2)(b) to go back into his building before he got locked up. § 87(2)(b)

complied and went back inside, while officers remained outside. § 87(2)(b) observed at least three marked police vehicles parked outside and about 8-10 uniformed and plainclothes officers.

Attempts to Contact Civilians

On September 17, 2013, § 87(2)(b) provided the phone number of § 87(2)(b) the mother of the female that he said opened the door for the NYPD on the date of the incident. On September 17, 2013, the undersigned investigator called § 87(2)(b) who verified that she and her daughter lived at the incident location on the date of the incident, that she recalled hearing of a dispute between § 87(2)(b) and “a weird-looking Puerto Rican guy” the previous year that resulted in a police response and said that she would call her daughter and tell her to call the undersigned investigator.

On September 17, 2013, an unidentified female called the undersigned investigator from an unknown number. She said she was § 87(2)(b) daughter and asked why she was being called. The undersigned investigator said that she was being called in connection to an incident in July 2012, when officers entered § 87(2)(b) where she was living. The unidentified female stated that she recalled opening the door for police officers at § 87(2)(b) but did not have any further involvement with the incident. The unidentified female refused to provide her name or contact information, then said she did not want to be involved further in the case and disconnected the call. (encl. 24e-24f).

NYPD Statements:

Subject officer: PO EMILY HARRIS

- *PO Harris is black female who weighs 160 pounds, has brown eyes and has light brown hair that on the date of the interview was in dreadlocks. On the date of the incident, she was § 87(2)(b) years old.*
- *On July 3 2012, PO Harris worked from 5:30 p.m. to 2:05 a.m. on July 4, 2012. She was assigned to Fireworks Conditions with PO Joshua Smith. She was in uniform and a passenger in unmarked car #2434, a “beat-up black impala (encl. 8e).”*

Memo Book:

PO Harris has no memo book entries regarding this incident. On July 3, 2012 at 9:56 p.m., she was listed at § 87(2)(b) Street with one under for return on warrant. At 10:30 p.m., she returned to patrol. At 10:50 p.m., responded to § 87(2)(b) on the report of shots fired as a result of the illegal use of fireworks. She issued summonses to three individuals after responding. At 11:30 p.m., she resumed patrol. She noted at the beginning of her tour that her tour concluded at 2:05 a.m. on July 4, 2012, but did not note this in sequence in her memo book. The next entry in her memo book, following a blank page, takes place on July 7, 2012, when she listed herself as present for duty (encl. 8a-8d).

CCRB Statement:

On December 17, 2013, PO Harris was interviewed at the CCRB. The following is her statement (encl. 8f).

PO Harris had no independent recollection of the incident. Aside from the recorded entry of the lobby of § 87(2)(b), PO Harris does not recall or have a memo book entry regarding entering other buildings on July 3, 2012. PO Harris recognized § 87(2)(b) as being a building she has seen on patrol in the 81st Precinct, but did not recall entering it on July 3, 2012. PO Harris

did not recognize § 87(2)(b) and said that she did not recall interacting with him on the night of the incident. PO Harris did not remember responding to any other reports of a gun in an apartment other than the report made at § 87(2)(b). PO Harris said that she did not recall interacting with any man with a butcher knife tucked into his waistband on the incident date. PO Harris said that her conditions team was not present on the date of the incident, and that is why she was working with PO Smith.

PO Harris did not exclude the possibility that she could have responded to a request for backup by other units in the event of a report of a gun or shots fired, but she did not recall entering and searching any locations on the date of the incident.

Witness Officer: PO WANDA CROOKS

- *PO Crooks is a black female, who stands 5'5" tall, weighs 200 pounds and has brown hair and brown eyes. On the date of the incident, she was § 87(2)(b) old.*
- *On July 3, 2012, PO Crooks worked from 5:30 p.m. to 2:05 a.m. on July 4, 2012. She was assigned to be a sergeant's operator for Sgt. Lakeisha Smith. She used a marked motor vehicle and was in uniform (encl. 7f).*

Memo Book:

PO Crooks has no memo book entries regarding this incident. On July 3, 2012 at 8:30 p.m. she responded to a report that someone was riding a bicycle on the sidewalk at Howard Avenue and Madison Street. At 1:00 a.m. she stopped a male with fireworks hanging out of his pocket on Chauncey Street (encl. 7a-7e).

CCRB Statement:

On November 4, 2013, PO Crooks provided a statement at the CCRB. PO Crooks did not have an independent recollection of this incident (encl. 7g).

On July 3, 2012, PO Crooks did not enter any residences. She did not recall entering any residences on Lafayette Street. She said she worked within the whole 81st Precinct, and therefore could have worked on Lafayette Street. PO Crooks said she was not familiar with § 87(2)(b) and when she was shown a Google street view photograph of § 87(2)(b) she said she did not recognize the location.

PO Crooks said that between her memo book entries she and Sgt. Smith were on patrol and that the main crime condition that evening was fireworks. She said that at no point during the evening did they respond to a report of a gun. PO Crooks said she did not recall interacting with a man with a knife tucked into his waistband on the street. PO Crooks did not recognize § 87(2)(b)'s driver's license photograph and said she had never interacted with him.

Witness Officer: PO PETER COLOMBINI

- *PO Colombini is a white male who stands 5'11" tall, weighs 200 pounds and has brown hair and brown eyes. On July 3, 2012, PO Colombini was § 87(2)(b) old.*
- *On July 3, 2012, PO Colombini worked from 10:00 p.m. on July 3, 2012 to 9:05 a.m. on July 4, 2012. He was assigned to 81st Precinct anti-crime with PO Robert Deck. He was in plainclothes and utilized unmarked vehicle #1012, which he remembered as a silver sedan (encl. 9d).*

Officer Memo Book:

PO Colombini has no entries pertaining to this incident. At 10:00 p.m., he reported present for duty at the 81st Precinct station house. At 11:35 p.m., he was checking his vehicle at the station house. At 11:40 p.m., he responded to a report of a family with a firearm at § 87(2)(b). At 11:48 p.m., the job was marked no offense alleged. At 11:57 p.m., there was a report of a robbery at § 87(2)(b) at 11:59 p.m., PO Colombini arrived at Jamaica Avenue and Pennsylvania Avenue to search for a motor vehicle. At 12:15 a.m. on July 4, 2012, he was at § 87(2)(b) to locate a motor vehicle. At 12:45 a.m., he canvassed the area and stopped two males at the corner of Bergen Street and Saratoga Avenue. At 1:00 a.m., the suspects were positively identified by a civilian. From 1:00 a.m. 2:50 a.m., he waited for a department tow truck to move the motor vehicle at 3:00 a.m. they arrived at the precinct. At 5:40, he responded to an assault in progress at Ralph Avenue and Broadway. At 5:41 a.m. he reported shots fired for a male in a blue jeep. At 5:55 a.m., he reported stopping a male, § 87(2)(b). At 6:35 a.m., he listed himself as out of service. At 9:05 a.m. he ended his tour (encl. 9a-9c).

CCRB Statement:

On December 20, 2013, PO Colombini provided a statement to the CCRB (encl. 9e).

PO Colombini has no memory of this incident. PO Colombini did not recall being at § 87(2)(b) during his tour from July 3, 2012 to July 4, 2012. PO Colombini was not active on Lafayette Avenue or Kozciusko Street during his tour. PO Colombini did not recognize a picture of the outside of § 87(2)(b) as he described it as “a location” that could have been many places within the precinct. PO Colombini did not recognize a picture of § 87(2)(b) and said he had no recollection of ever interacting with him. PO Colombini did not recall working with PO Emily Harris during his tour. PO Colombini did not recall responding with patrol or conditions to a report of any firearms. PO Colombini did not recall interacting with anyone on the street with a knife tucked into their waistband. PO Colombini stated that if he had gone on a search of an apartment for a firearm it would be recorded in his memo book.

Witness Officer: PO WILLIAM REDDIN

- *PO Reddin is a 5'10" tall, 210 pound, brown-haired, blue-eyed, white male officer. On the date of the incident he was § 87(2)(b) old.*
- *On July 3, 2012, PO Reddin was on duty from 10:00 p.m. to 6:35 a.m. July 4, 2012. He was assigned to 81st Precinct anti-crime with Sgt. Miller and PO Slavin. He was in plainclothes and used unmarked RMP #8717 (encl. 10e).*

Officer Memo Book:

PO Reddin had no memo book entries regarding this incident. At 10:00 p.m. on July 3, 2012, PO Reddin reported present for duty at the 81st Precinct station house. At 11:30 p.m., PO Reddin reported starting patrol in police vehicle #8717. At 12:30 a.m. on July 4, 2012, PO Reddin responded to Saratoga Avenue and Bergen Street regarding two individuals stopped. From this point until the end of his tour at 6:35 a.m., PO Reddin's memo book is consistent with PO Colombini's memo book (encl. 10a-10d).

CCRB Statement:

On December 26, 2013, PO Reddin was interviewed at the CCRB and provided the following statement (encl. 10f).

PO Reddin did not have any recollection of making an entry at § 87(2)(b) during his tour from July 3, 2012 to July 4, 2012. PO Reddin did not make any entries in any apartments during that tour. PO Reddin did not respond to any reports of criminal activity with multiple units on either Lafayette Avenue or Kosciuszko Street. When shown a picture of § 87(2)(b) PO Reddin said he did not enter the building during his tour, which he stated again when shown a map of § 87(2)(b) location. When shown a picture of § 87(2)(b) PO Reddin said that he did recognize him and did not, to his knowledge, interact with him during his tour or since.

NYPD Documents

81st Precinct BADS index

The BADS index was negative for arrests in the 81st Precinct on either Lafayette Avenue or Kosciuszko Street from July 2, 2012 through July 4, 2012. There were arrests in the precinct by the 81st Precinct, the 81st Precinct Detective Squad, Patrol Borough Brooklyn North and the Transit Bureau on these dates (encl. 11).

81st Precinct SPRINT log

On July 2, 2012 from 7:00 p.m. to 11:59 p.m., July 3, 2012 from 9:00 p.m. to 11:59 p.m. and July 4, 2012 from 12:00 a.m. to 7:00 a.m., one SPRINT report was made for a dispute that occurred at § 87(2)(b) involving a report of a firearm present, 03JUL12 § 87(2)(b). It was made on July 3, 2013 at 10:26 p.m. (encl. 17e).

On July 2, 2013 after 7:00 p.m., July 3, 2012 after 8:00 p.m., and July 4, 2012 before 7:00 a.m., no reports were made for § 87(2)(b) or § 87(2)(b). (encl. 17a-17h).

81st Precinct SPRINT reports

- 03JUL12 § 87(2)(b). On July 3, 2012, at 10:26 p.m. a caller made a report from § 87(2)(b) that he was in a dispute with § 87(2)(b) who was not currently violent but known to carry a knife. At 10:31 p.m. unit 81A responded to the incident. At 10:34 p.m. the caller said that the individual now had a gun. At 10:35 p.m., unit 81ST1 responded to the incident. At 10:37 p.m., the perpetrators were described as three white males. At 10:37 p.m. unit 81 ST1 arrived on scene and at 10:38 p.m. units 81A and 81SP7 arrived on scene. At 10:41 p.m., the perpetrators were described as three white males and one black male, approximately 28 years old and heavy set, who hangs around Lafayette Avenue. At 10:42, this individual was described as being named "§ 87(2)(b)". At 10:44 p.m. it was confirmed that a firearm was displayed. At 10:52 p.m. unit 81F left the scene of the incident to canvass and at 11:20 p.m. unit 81A left the scene of the incident. At 11:21 p.m. Unit 81SP7 marked the incident's disposition as "unnecessary." A UF-61 was filed for this incident (encl. 17f).

81st Precinct Handwritten Stop and Frisk log

On July 2, 2012 through July 4, 2012, three stop and frisk reports were filed on Lafayette Avenue or Kosciuszko Street: § 87(2)(b) (encl. 13).

Stop and Frisk Reports

- § 87(2)(b): At 9:30 p.m. on July 3, 2012, PO Brian Hellberg stopped a § 87(2)(b)-old black male on a suspicion of criminal possession of marihuana at § 87(2)(b). The suspect was summonsed (encl. 18a).

- #§ 87(2)(b) : At 6:40 p.m. on July 3, 2012, PO Wanda Crooks stopped a § 87(2)(b) - old black female on a suspicion of criminal sale of a controlled substance. The suspect was released without a summons (encl. 18c).
- § 87(2)(b) : At 2:07 p.m. on July 4, 2012, PO Mohammed Rios stopped a § 87(2)(b) - old male white Hispanic male. (encl. 18d).

81st Precinct Complaint Reports

The 81st Precinct stated that no complaint reports were prepared for incidents that involved § 87(2)(b) or § 87(2)(b) from July 2, 2012 until July 4, 2012 (encl. 25q).

81st Precinct Warrant Records

The 81st Precinct stated that no warrants were executed at § 87(2)(b) on July 3, 2012. (encl. 25j).

PSA 3 roll call

The PSA 3 roll call for tour 3, July 3, 2012, lists 6 officers assigned to anticrime, four of which were assigned to the 79 Precinct specifically, and two of which were assigned to work limited duty in a marked vehicle starting at midnight on July 4, 2012 (PO Menjivar, a Hispanic male and PO O'Connell, a white male). It lists nine officers assigned to conditions at the time of the incident, five of which were assigned to the 79th Precinct and the other four were assigned to a limited tour (PO Cruz and PO Sweigart) or to Independent Patrol (PO Flanigan and PO Barton) (encl. 16a-16g).

The PSA 3 roll call for tour 1, July 4, 2012 lists eight officers assigned to conditions. They were assigned to "Con Ed Strike Detail," "Marcy Auto" and "390 LSAX" (encl. 16h-16l).

81st Precinct Roll Call

The 81st Precinct roll call for tour 3, July 3, 2012 lists four officers assigned to conditions. PO Brian Hellberg and PO Christophe Kelley, who are both white males and PO Andrew Sriken and PO Phu Tran, who are both Asian males. PO Hellberg and PO Kelley worked until 2:05 a.m. on July 4, 2012, and PO Tran and PO Sriken worked until 11:35 p.m. on July 3, 2012. Two officers were assigned to sectors F and H, PO Alexander Morales and PO Edward Diaz, both Hispanic males. Additionally, seven officers, including PO Wanda Crooks, were assigned to conditions fireworks and party enforcement, all of whom were black officers. Their tours ended at 2:05 a.m., July 4, 2012. No officers were assigned to anticrime. (encl. 16m-16t).

The 81st Precinct roll call for tour 1, July 4, 2012 lists two officers assigned to conditions, PO Emily Harris and PO Craig Rudy, a black female and white male, respectively. Four officers were assigned to anticrime, Sgt. James Slavin, PO Peter Colombini, PO Robert Deck and PO William Reddin, all of whom are white males (encl. 16u-16c²).

Officer Memo Books

- On July 3, 2012, PO Christophe Kelley worked from 5:30 p.m. to 2:05 a.m. He was assigned to 81st Precinct with PO Brian Hellberg and used marked police vehicle #8717. At 9:45 p.m. PO Kelley responded to a report of criminal mischief at Greene Avenue and Stuyvesant Avenue, which he ruled unfounded at 9:50 p.m. At 10:30 p.m., PO Kelley responded to an incident of a dispute at Kozciusco Street and "Reid," an address the investigation was unable to locate. At 10:53 p.m. he canvassed a male in an automobile.

At 11:05 p.m. a report was prepared about this incident, which did not result in charges being filed. At 11:15 p.m., he ruled the response unnecessary. At 2:05 a.m., PO Kelley's tour ended. (encl. 20a-20c).

- On July 3, 2012, PO Brian Hellberg worked from 5:30 p.m. to 2:05 a.m. He was assigned to 81st Precinct Conditions with PO Christophe Kelley and used marked police vehicle #8717. At 9:30 p.m. PO Hellberg stopped § 87(2)(b) at § 87(2)(b). At 9:36 p.m., he issued him a summons for having an open container of brandy. At 2:05 a.m., PO Hellberg's tour ended. (encl. 21a-21c).

Civilian Criminal History

- § 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Status of Civil Proceedings

- On December 23, 2013 the office of the New York City Comptroller stated that § 87(2)(b) had not filed any notices of claim for incidents that occurred on July 3, 2012 (encl. 23c).

Civilian CCRB History

- § 87(2)(b) has filed the following CCRB complaints: § 87(2)(b)

Subject Officer's CCRB History

PO Harris has been a member of the service for seven years and no CCRB allegations have been substantiated against her (encl. 1a-1b).

Conclusion

Identification of Subject Officers

The investigation has not been able to locate any NYPD documentation that exists for this incident. No SPRINT reports exist for either § 87(2)(b) on either July 2, 2012 or July 3, 2012 or July 4, 2012. The only SPRINT report that that appeared to be possibly related to the incident is 03JUL12 § 87(2)(b) made on 10:26 p.m., July 3, 2012. This is a report of a dispute of which lists an address (§ 87(2)(b)). It does not mention either § 87(2)(b) or § 87(2)(b) where § 87(2)(b) stated the incident took place, does not make any mention of any officers converging on, much less entering a specific building and lists four suspects (a group of three white males and one black male), one of which was a § 87(2)(b) year old heavysset man named "§ 87(2)(b)" which collectively does not fit the pedigree of the single individual § 87(2)(b) said he had a dispute with.

No Stop and Frisk report exists for this incident. All of the stop and frisk reports which occur on either of the two streets (Lafayette Avenue and Kozciusko Street) on the three days events concerning this incident could have occurred on were made either too early or too late to match the time and place of occurrence. As a result, the only utility the stop and frisk reports hold for identifying possible subject officers who were active in the area earlier in the evening on July 3, 2012. These were made by PO Brian Hellberg and PO Wanda Crooks.

All searches for 911 calls, radio recordings, warrants or complaint reports existing for the incident by using the date, time, location and victim as search criteria returned negative results.

In order to determine units active in the area of the incident, a BADS search was run. No officers made any arrests on Lafayette Avenue or Kosciuszko Street from July 2, 2013 to July 4, 2013. There were arrests in the whole of the 81st precinct made by the 81st Precinct, the 81st Precinct Detective Squad, Patrol Borough Brooklyn North and the Transit Bureau on these dates

From the stop and frisk reports made by PO Hellberg indicating that he was active in the area on the night of the incident, memo books from PO Hellberg and his partner PO Christophe Kelley were requested. While PO Hellberg's memo book stopped recording activity at 9:36 p.m., PO Kelley's was more comprehensive and provided a report of continuous activity in the area up until 11:15 p.m., none of which matched a description of the incident. As a result of these memo books, the tour 3 conditions unit of the 81st Precinct that matched the pedigree information of the subject officers was eliminated from consideration as responding to the scene. The other conditions unit listed on the roll call was composed of Asian males, none of which were mentioned as being at the scene.

Apart from the stop and frisk reports, the only distinctive identifying information available for officers with a possible connection to this case is the physical pedigree of the black female officer at the scene, all other officers who interacted with § 87(2)(b) being white males in either uniform or plainclothes of average height and build and therefore impossible to distinguish from each other without documentary evidence. This black female officer was described as being 5'5" tall with dyed blonde/brown hair in dreadlocks, aged in her late thirties to early 40's and dressed uniform.

PO Emily Harris matched the pedigree of the black female subject officer, being a 5'5" tall black female officer in uniform who wore her dyed hair in dreadlocks and was 30 years of age. Her memo book, while containing notes, is incomplete from 11:35 p.m. onwards and therefore is not considered a thorough account of her actions on the date of the incident. What entries she did make place her in the vicinity of the incident, as she was present at 10:50 p.m. at § 87(2)(b) less than a block away from § 87(2)(b). Additionally, she stated that while she did not recall responding to a report of a firearm, she did not exclude the possibility that she could have responded to a request for backup by other units in the event of a report of a gun or shots fired. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Her partner, PO Smith was not considered as a subject officer as he was a black male officer, which § 87(2)(b) did not report as being present in the apartment.

Because § 87(2)(b) is adjacent to public housing within the jurisdiction of PSA3, the roll call of PSA3 was also requested. The July 3, 2012, tour 3 conditions and anticrime units of PSA 3 was eliminated from consideration because they were assigned to the 79th Precinct or had either a black or Hispanic male, neither of which § 87(2)(b) recalled being at the scene. The July 4, 2012 tour 1 conditions units of PSA 3 were all assigned to specific assignments that precluded them from being present at § 87(2)(b)

Sgt. James Slavin, PO Peter Colombini, PO Robert Deck and PO William Reddin were all white males assigned to 81st Precinct anticrime and therefore would have been in plainclothes. PO Reddin and PO Colombini, who were assigned to each of the two anticrime vehicles operating on the night of the incident, were interviewed at the CCRB and provided their memo books. Neither officer had an independent recollection of the incident. Their memo books are thorough and place the activity of the 81st Precinct's anticrime unit significantly to the south of the incident location, at one point operating as far south as § 87(2)(b) St. Marks Avenue, which is in the 73rd Precinct. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

The possibility that § 87(2)(b) mistook the dates on which his incident occurred was considered, but dismissed. In the recording of his initial case narrative, § 87(2)(b) clearly stated that the incident occurred on "Monday, July 2, 2012" and "Tuesday, July 3, 2012". Given that July 2, 2012 was a Monday and given July 3, 2012 was a Tuesday and given that § 87(2)(b) made the report on Thursday, July 5, 2012 (two days later) and confirmed the date on July 19, 2012 (two weeks later), § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(b) § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Investigative Findings and Recommendations

Allegation A: Abuse of Authority – PO Emily Harris entered and searched § 87(2)(b) in Brooklyn.

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegation B: Abuse of Authority – Officers entered and searched § 87(2)(b) in Brooklyn.

Allegation C: Abuse of Authority – An officer threatened to arrest § 87(2)(b)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Team: **6**

Investigator:	_____	<u>Michael Gsovski</u>	_____
	Signature	Print	Date

Supervisor:	_____	_____	_____
	Title/Signature	Print	Date

Reviewer:	_____	_____	_____
	Title/Signature	Print	Date

Reviewer:	_____	_____	_____
	Title/Signature	Print	Date